

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

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| <b>MILTON TUTWILER,</b>  | <b>PLAINTIFF,</b>                    |
| <b>VS.</b>   | <b>CIVIL ACTION NO 2:05CV195-P-A</b> |
|  | <b>(Lead Case)</b>                   |
| <b>THE PROGRESSIVE CORPORATION,<br/>PROGRESSIVE CASUALTY INSURANCE<br/>COMPANY, JOHN DOE CORPORATIONS,<br/>BILLY MCCOY, GARLAND MASON, AND<br/>TAMMY KING,</b> | <b>DEFENDANTS.</b>                   |

**CONSOLIDATED WITH**

|  |                                       |
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| <b>MILTON TUTWILER,</b>  | <b>PLAINTIFF,</b>                     |
| <b>VS.</b>   | <b>CIVIL ACTION NO. 2:05CV196-P-A</b> |
| <b>PROGRESSIVE GULF INSURANCE<br/>COMPANY, PROGRESSIVE CASUALTY<br/>INSURANCE COMPANY, PROGRESSIVE<br/>PREFERRED INSURANCE COMPANY,<br/>PROGRESSIVE SPECIALITY INSURANCE<br/>COMPANY, JOE DOE CORPORATIONS,<br/>TAMMY KING, Individually, JACK KING<br/>AND TAMMY KING, As the Natural Parents<br/>&amp; Guardians of TAMARA KING, BILLY<br/>MCCOY, AND GARLAND MASON,</b> | <b>DEFENDANTS.</b>                    |

**ORDER**

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND  
ADJUDGED** that:

- (1) Plaintiff's Motion to Remand [12-1] filed in Cause Number 2:05CV196 is **DENIED**;  
accordingly,
- (2) Cause Number 2:05CV196 is **DISMISSED WITHOUT PREJUDICE**;

(3) Plaintiff's Motion to Remand [13-1] filed in Cause Number 2:05CV195 is

**GRANTED**; therefore,

(4) Cause Number 2:05CV195 is hereby **REMANDED** to the Circuit Court of Bolivar County, Mississippi, Second Judicial District; and

(5) This matter before this court is **CLOSED**.

**SO ORDERED** this the 28<sup>th</sup> day of June, A.D., 2006.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE